

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL BURTON,	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION NO. 3:19-1901
v.	:	
	:	(Judge Mannion)
Superintendent DELBALSO, <i>et al.</i> ,	:	
	:	
Defendants	:	

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**
HEREBY ORDERED THAT:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. [2](#)) is **GRANTED**.
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the Application to Proceed *In Forma Pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation. Pursuant to 28 U.S.C. §1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
4. The complaint is **DEEMED FILED**.
5. Plaintiff's action is **DISMISSED**, without prejudice, as legally frivolous under [28 U.S.C. §1915\(e\)\(2\)\(B\)\(i\)](#).
6. The Clerk of Court is directed to **CLOSE** this case.
7. Any appeal from this Order will be deemed frivolous, without probable cause and not taken in good cause.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATED: December 10, 2019

19-1901-01-ORDER